

Remarks

Claims

Applicants have reviewed the Office Action dated January 7, 2009 and the examiner's rejections therein. Applicants have amended the claims and contend that the attached amended claims distinguish the present application from the cited prior art references.

General Comments

Through their amendments, Applicants have attempted to clarify the differences between the present application and the cited prior art. Applicant's system and method involves a hybrid "push, then pull" method whereby an instant message (IM) is first pushed from the sender of the IM to the recipient of the IM. Only after the message has been pushed to the recipient will the recipient then pull the animated character from the character server.

Importantly, the character server does not serve as a central server or host for relaying the IMs. That is, the IMs travel directly from sender to receiver without travelling through the character server (or any other server). Thus, Applicant's application differs from the Kim reference where a central server (host) processes all the messages in the chat room and relays them to the users.

Secondly, Applicant's application involves two distinct steps: first, the IM is sent from sender to recipient; second, the recipient queries the character server for the animated character. The separation of these two items into different steps allows for the recipient to retrieve the animated character only a single time. That is, the sender does not have to send an animated character with each IM; rather, the recipient merely retrieves the animated character the first time it receives a message from the sender. This two-step process is different from the Kim and Crawford references where avatars / buddy icons are sent simultaneously with the messages.

Claims 19, 43, 64, and 80

Examiner has rejected Claims 19, 43, 64, and 80 under 35 U.S.C. § 103(a) as being obvious in light of Kim and Crawford. Applicants respectfully traverse this rejection and show the following.

Examiner cites Fig. 7 of Crawford as teaching how to send a request to a character server. As amended, Applicant's claims recite that the communication with the character server is separate from the instant message (IM). That is, the character

server does not serve as a relay of the IMs. Further, Applicants have amended their claims to specify that the request to the character server is a request for an animated character associated with the sender of the IM. Finally, Applicant's claim amendments clarify that the request to the character server occurs after the receipt of the IM.

Applicants submit that Crawford, either alone or on combination, does not teach any of these limitations. In fact, Crawford teaches away from retrieving an animated character separately from the IM. For example, paragraph [0078] teaches that a buddy icon is sent along with the IM: "the second subscriber is alerted when a buddy desires to send a buddy icon. When this is disabled the second subscriber automatically receives buddy icons." At paragraph [0079] Crawford states "the first subscriber uses the first client 702a to send an instant message to the second subscriber along with the image data corresponding to the buddy icon". At paragraph [0080] it is stated "The client 702b receives the message and the image data corresponding to the buddy icon". Thus, Crawford teaches that image data should be sent along with the instant message. This is contrary to, and teaches away from, Applicant's claims where an animated character is retrieved subsequent to, and in a separate communication than, the sending of the IM.

Examiner further states that Kim teaches "a method for managing an Instant Messaging system" and that Kim (col. 12, ll. 15 - 20) provides a motivation to combine the two references. Applicants fundamentally disagree that Kim teaches an instant messaging system. Rather, Kim teaches away from an instant messaging system as Kim teaches a public chat room where messages are available for any and all users to read. Thus, Kim's chat room contains none of the privacy benefits of a direct IM system. See Kim, col. 2, l. 7; col. 3, l. 11; col. 4, ll. 31 - 48; col. 4, ll. 55 - 59

Further, Kim's system involves a "push" system whereby the avatars are pushed from the host computer down to the recipient. See Kim, col. 12, ll. 9 - 23 and Fig. 4C. By contrast, Applicant's "push, then pull" system involves the recipient pulling a character from the character server after receiving the IM.

In summary, neither Crawford nor Kim teaches a system whereby an IM is sent directly from a sender to a recipient and the recipient then "pulls" an animated character from a character server. Instead, both references teach the sending of avatars / buddy icons along with a message. Additionally, Kim teaches away from Applicant's application by teaching a publicly accessible chat system and Crawford teaches away by sending the buddy icon along with the instant message.

Claims 1, 9-10, 13-15, 31, 39-40, 50, 62-63, and 79

Examiner has rejected Claims 1, 9-10, 13-15, 31, 39-40, 50, 62-63, and 79 under 35 U.S.C. § 103(a) as being obvious in light of Slotznick, Crawford, and Kim. Applicants respectfully traverse this rejection and show the following.

Examiner has cited Slotznick for teaching the receipt of instant messages (IMs), the display of animated characters, the delivery of content using said animated characters, and determining the identity of a sender of an IM. Examiner further cites Crawford and Kim for teaching how to send a request to a character server for obtaining an animated character.

As discussed above, Applicants contend that it would not have been obvious to a person of ordinary skill in the art to develop Applicant's system after viewing the Crawford and Kim references. Specifically, both Crawford and Kim teach away from Applicant's application by teaching that an avatar or buddy icon is sent along with an instant message. This is directly contrary to Applicant's disclosure where no character is sent with the original IM.

The Slotznick reference does not add any teaching that would lead a person of ordinary skill in the art to develop Applicant's system. Rather, Slotznick merely teaches an instant messaging software system where specialized chatterbot software is pre-installed on the user's machine. Any images, avatars, or characters associated with the chatterbot remain on the user's machine and are not retrieved from a centralized character server. Thus, Slotznick teaches away from Applicant's system in that Slotznick teaches that any character or animation must already be located on the recipient's computer before the recipient receives an instant message.

In conclusion, Applicants argue that their claims would not have been obvious to a person having ordinary skill in the art in light of the Slotznick, Crawford, and Kim references. None of the references suggest that an IM recipient can retrieve a character from a character server after receiving the IM. Crawford and Kim teach away by teaching that an avatar / buddy icon should be sent with the IM. Slotznick teaches away by teaching that the animation should be pre-installed on the recipient's computer. None of the references, alone or in combination, teaches that the recipient's computer could "pull" a character from a character server after receiving the IM.

Claims 11 - 12 and 41

Examiner has rejected Claims 11 - 12 and 41 under 35 U.S.C. § 103(a) as being obvious in light of Slotznick, Crawford, Kim, and Wolton. Applicants respectfully traverse this rejection and show the following.

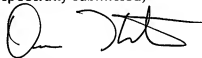
As outlined above, Applicants contend that all of the independent claims are non-obvious in light of the prior art. Because Claims 11, 12, and 41 depend from non-obvious independent claims, Applicants aver that Claims 11, 12, and 41 are also non-obvious.

Conclusion

Accordingly, Applicants respectfully submit that the present application is distinguishable over the prior art and respectfully request allowance of the claims, as amended.

If any additional fees are due in connection with the filing of this Amendment or the accompanying papers that are not provided herewith, such as fees under 37 C.F.R. §§1.16 or 1.17, please charge the fees to SGR Deposit Account No. 02-4300, Order No. 034164.002. If an additional extension of time under 37 C.F.R. §1.136 is necessary that is not accounted for in the papers filed herewith, such an extension is requested. The additional extension fee also should be charged to SGR Deposit Account No. 02-4300, Order No. 034164.002. Any overpayment of fees can be credited to SGR Deposit Account No. 02-4300, Order No. 034164.002.

Respectfully submitted,



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